

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FL RECEIVABLES TRUST 2002-A,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action Nos. 02-2710,
	:	02-2711, 02-2080 and 02-2086
	:	(LAR)
BAGGA ENTERPRISES, INC., JAMUNA REAL	:	
ESTATE, LLC, UNITED MANAGEMENT	:	
SERVICES, INC., and WELCOME GROUP,	:	
INC.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this ____ day of _____, 2004, upon consideration of The Sant Parties' and World Apparel Parties' Motion for Partial Reconsideration of the Court's Order Dated May 13, 2004, and any response thereto, it is hereby ORDERED that the Motion is GRANTED. Sant Properties, HB Properties, Hardeep Chawla, Ten Tigers, SJM Trading, World Apparel Products Company, Inc., and Ravinder Chawla shall respond in full, no later than Monday, June 21, 2004, to the subpoenas issued by FL Receivables Trust 2002-A on March 18, 2004.

BY THE COURT:

J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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Plaintiff,	:	
	:	Civil Action Nos. 02-2710,
v.	:	02-2711, 02-2080 and 02-2086
	:	(LAR)
BAGGA ENTERPRISES, INC., JAMUNA REAL	:	
ESTATE, LLC, UNITED MANAGEMENT	:	
SERVICES, INC., and WELCOME GROUP,	:	
INC.,	:	
	:	
Defendants.	:	

**THE SANT PARTIES' AND WORLD APPAREL PARTIES' MOTION FOR
PARTIAL RECONSIDERATION OF THE COURT'S ORDER DATED MAY 13, 2004**

Non parties Sant Properties, HB Properties and Hardeep Chawla (collectively, the "Sant Parties"), and Ten Tigers, SJM Trading, World Apparel Products Company, Inc., and Ravinder Chawla (collectively, the "World Apparel Parties"), pursuant to Rule 7.1(g) of the Local Rules of Civil Procedure of the U.S. District Court for the Eastern District of Pennsylvania, respectfully move the Court to partially reconsider the Court's Order dated May 13, 2004 by granting the Sant Parties and World Apparel Parties until June 21, 2004 to respond in full to the subpoenas served by FL Receivables 2002-A Trust in this matter. In support of this motion, the Sant Parties and World Apparel Parties respectfully refer the Court to their accompanying memorandum of law, which they incorporate by reference herein.

WHEREFORE, the Sant Parties and World Apparel Parties respectfully request that their Motion be granted and that the Court enter an Order in the form attached hereto granting Sant Properties, HB Properties, Hardeep Chawla, Ten Tigers, SJM Trading, World Apparel Products Company, Inc., and Ravinder Chawla until June 21, 2004 to respond in full to the subpoenas

served by FL Receivables 2002-A Trust in this matter, as well as such other and further relief as the Court may deem appropriate and just.

Respectfully submitted,



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Attorney for Ten Tigers, SJM Trading,
World Apparel Products Co., Inc. and
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Dated: May 21, 2004



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Attorneys for Hardeep Chawla, HB
Properties and Sant Properties

**IN THE UNITED STATES DISTRICT COURT
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BAGGA ENTERPRISES, INC., JAMUNA REAL	:	
ESTATE, LLC, UNITED MANAGEMENT	:	
SERVICES, INC., and WELCOME GROUP,	:	
INC.,	:	
	:	
Defendants.	:	

**THE SANT PARTIES' AND WORLD APPAREL PARTIES'
MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION FOR
PARTIAL RECONSIDERATION OF THE COURT'S ORDER DATED MAY 13, 2004**

By Its Order dated May 13, 2004, the Court ordered non parties Sant Properties, HB Properties and Hardeep Chawla (collectively, the "Sant Parties"), and Ten Tigers, SJM Trading, World Apparel Products Company, Inc., and Ravinder Chawla (collectively, the "World Apparel Parties"), to respond in full to the subpoenas served by FL Receivables 2002-A Trust in this matter by May 24, 2004. The Sant Parties and World Apparel Parties have respectfully moved for partial reconsideration of the May 13 Order to allow them until June 21, 2004 to respond to the subpoenas because, due to counsel's overlapping vacations and inability to confer and conduct a detailed review of the documents at issue, it will be impossible to comply with the May 24 deadline.

"A federal district [C]ourt has the inherent power to reconsider interlocutory orders 'when it is consonant with justice' to do so." *Jairett v. First Montauk Sec. Corp.*, 153 F. Supp. 2d 562, 579 (E.D. Pa. 2001) (Reed, J.). *See also* E.D. Pa. R. Civ. P. 71(g). The Sant Parties and World Apparel Parties respectfully submit that it is "consonant with justice" to partially

reconsider the Court's May 13 Order because it is impossible for the Sant Parties and World Apparel Parties to comply with the May 23 deadline for responding to the subpoenas that the Court set in that Order.

The Sant Parties' and World Apparel Parties' chief litigation counsel, Richard M. Simins of Buchanan Ingersoll PC, was on vacation in Germany when the Court entered the May 13 Order, and will not be returning to the office until May 27. Undersigned counsel for the Sant Parties, Eliot G. Long of Buchanan Ingersoll PC, will be leaving for a pre-paid vacation to Italy on May 26, returning to the office on June 7. Thus, Messrs. Simins and Long will not have an opportunity to conduct a detailed review of the Sant Parties' and World Apparel Parties' documents for responsiveness to the subpoenas and potential privilege and confer until the week of June 7. The Sant Parties and World Apparel parties, however, believe that a review and production of documents responsive to the subpoenas can be concluded by June 21, which would allow a period of two weeks after Mr. Long returns from vacation.

Although Mr. Long has informed FL Receivables' counsel of these overlapping vacations and the impossibility of complying with the May 24 deadline, FL Receivables has refused to agree to an extension of that deadline. FL Receivables has not identified any exigent circumstances that it claims warrant that refusal, and the Sant Parties and World Apparel Parties are aware of none. Instead, FL Receivables has attempted to leverage this situation by refusing to agree to an extension of the deadline unless the Sant Parties and World Apparel Parties voluntarily agreed to produce additional documents that FL Receivables admits are beyond the scope of the subpoenas and the Court's May 13 Order. (FL Receivables asked the Sant Parties and World Apparel Parties to voluntarily produce, not only documents regarding payments and transfers *to* the Sant Parties and World Apparel Parties, which were the subject of the first

request in the subpoenas, but also payments and transfers *from* the Sant Parties and World Apparel Parties.)¹ Counsel for the Sant Parties and World Apparel Parties informed FL Receivables' counsel that they could not agree to that proposal, especially given that fact that Mr. Simins, their chief litigation counsel, is out of the country and unable to confer with them on this issue. Thus, the Sant Parties and World Parties had no choice but to file the instant motion.

For these reasons, the Sant Parties and World Apparel Parties respectfully request that their motion be granted and that the Court allow them until June 21, 2004 to respond to FL Receivables' subpoenas.

Respectfully submitted,



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Dated: May 21, 2004



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Properties and Sant Properties

¹ Although this issue is not before the Court because FL Receivables has not issued a subpoena calling for these documents (let alone a motion to enforce such a subpoena), the Sant Parties and World Apparel Parties note that such documents clearly are not relevant to the sole purpose of discovery in aid of execution of third parties, which is to discover assets of the judgment debtor that are *in the possession of third parties*, not third parties' transfers of *their own assets* to the judgment debtors, especially when extensive discovery of the judgment debtors already has been taken. See, e.g., *Caisson Corp. v. County West Bldg. Corp.*, 62 F.R.D. 331, 335 (E.D. Pa. 1974).

CERTIFICATE OF SERVICE

I, Eliot G. Long, hereby certify that, on this 21st day of May, 2004, I caused a true and correct copy of the foregoing document to be served upon the following in the manner indicated:

By Facsimile and Regular Mail

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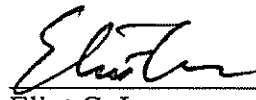
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